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EXAMINER

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3676

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/568,459	Applicant(s) IKEMOTO, TAKAYUKI	
	Examiner Alyson M. Merlino	Art Unit 3676	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 February 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. Figures 9 and 10 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.
2. The drawings are objected to because the stages of the latch shown in Figure 4 are discussed in the specification as Figures 4(a), 4(b), and 4(c). These Figure labels should be inserted in order to be consistent with the specification. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each

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drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: lock 5 is not indicated in Figure 2. Furthermore, reference character 5 is associated with the handle of the prior art Figures 9 and 10, not a lock. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

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As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

4. The disclosure is objected to because of the following informalities:

- a. **On pages 2 and 3** of the specification, a piece of prior art is referred to as "Patent Document 1." It is suggested that the "Patent Document 1" be referred to as "Japanese Patent Publication No. 173513/1997" as noted in lines 4 and 5 on page 3. Furthermore, if applicant wishes to discuss a figure with respect to this Japanese Patent Publication, as noted on page 2, line 24 through page 3, line 5, the figure should be inserted for clarification.

- b. **On page 10, lines 15-30 and on page 11, lines 1-5**, this section of the specification listing a brief description of the drawings should be moved to page 5 line 7, in order to conform to US practice.

Appropriate correction is required.

Claim Objections

5. **Claims 1 and 3 are objected to** because of the following informalities:
- a. **In regards to claim 1**, lines 8 and 9, the phrase “that is hooked on an arbitrary point of the periphery of said opening to hold said cover to be in a state of being slightly opened when said cover is slightly opened forming a gap that allows fingers to be inserted” should be changed to “that is hooked on an arbitrary point of the periphery of said opening to hold said cover in a slightly opened state, forming a gap that allows fingers to be inserted. Appropriate correction is required.
- b. **In regards to claim 3**, the phrase “and holds the cover” should be changed to “to hold the cover” for clarity.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:
- The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
7. **Claim 1 is rejected** under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, it is unclear how the “housing” can be opened or closed when the cover is the component that is moved between an opened position and

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a closed position in order to give access to the housing. For examination purposes, it will be considered that the cover is the component that can be opened or closed until further clarification from applicant.

8. Furthermore, it is unclear from lines 2-4 of the claim whether the hinge forms an opening between the housing and cover, and whether the opening or the hinge causes the cover to be opened or closed. Also, it is unclear from the claim whether the "opening" is the opening discussed in the specification or the opening created by the housing and the cover, i.e. inside of housing. For example, it is unclear how the hook is hooked on an arbitrary point of the periphery of the opening, if one considers the "opening" in claim 1 as the opening 10 disclosed in the specification. For examination purposes, it will be considered that the "opening" of claim 1 is the opening created by the cover and the housing, and that the hinge causes the cover to be opened or closed until further clarification from applicant.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. **Claims 1, 3, and 4 are rejected** under 35 U.S.C. 102(b) as being anticipated by Boyce (US-4717184).

11. **In regards to claim 1**, Boyce discloses a cover lock mechanism (Figure 2) including a housing 46, and a cover 20 that is mounted rotatably with a hinge (apparent

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from Col. 1, line 17-35, noting that the cover lock is used with doors which are known to include hinges) attached to the housing, forming an opening (opening between housing and cover, Figure 2). The hinge causes the cover to be opened or closed (apparent from movement of movable member 20 in Figures 2-4 and Col. 1, lines 17-35). Boyce further discloses a latch 10 that is held by means of a leaf spring 14 mounted to a side of the cover adjacent to the opening (Figure 2), which is biased from inside the opening toward a periphery (edge of opening near reference character 38, Figure 3) thereof, and a hook 34 that is formed on the latch (Figure 3). Boyce also discloses that the hook is hooked on an arbitrary point 40 of the periphery of the opening to hold the cover to be in a slightly opened state (Figures 3 and 4), forming a gap (space between cover and housing, Figures 3 and 4) that allows fingers F to be inserted.

12. **In regards to claim 3**, Boyce discloses that the latch includes a notch 37 that is formed between the hook and the cover to hold the cover (Figure 3).

13. **In regards to claim 4**, Boyce discloses that the latch is manufactured by shaping a leaf spring that is mounted onto the side of the cover adjacent to the opening (apparent from flexibility of latch shown in Figure 4).

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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15. **Claim 2 is rejected** under 35 U.S.C. 103(a) as being unpatentable over Boyce (US-4717184).

16. **In regards to claim 2**, although Boyce does not specifically disclose that the cover of the cover lock mechanism includes two latches, it would have been obvious to one of ordinary skill in the art to include a second latch in order to enhance the security of the enclosure created by the cover and the housing and also since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art.

Claim Rejections - 35 USC § 102

17. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

18. **Claims 1, 2, and 4 are rejected** under 35 U.S.C. 102(b) as being anticipated by Hirokazu (JP6029673).

19. **In regards to claim 1**, Hirokazu discloses a cover lock mechanism (Figure 1) including a housing 1, and a cover 2 that is mounted rotatably with a hinge 5 attached to the housing, forming an opening (opening between housing and cover, Figure 1). The hinge causes the cover to be opened or closed (apparent from movement between Figures 1 and 3). Boyce further discloses a latch 4 that is held by means of a leaf spring (end near fastener, Figure 1) mounted to a side of the cover adjacent to the opening (Figure 1), which is biased from inside the opening toward a periphery 1a

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thereof, and a hook (hooked end portion near reference character 4, Figure 3) that is formed on the latch (Figure 3). Boyce also discloses that the hook is hooked on an arbitrary point (point near indicator of reference character 1a, Figure 3) of the periphery of the opening to hold the cover to be in a slightly opened state (Figure 3), forming a gap (space between cover and housing, Figure 3) that allows fingers to be inserted (Figure 3).

20. **In regards to claim 2**, Hirokazu discloses that the cover includes two latches (Figure 5).

21. **In regards to claim 4**, Hirokazu discloses that the latch is manufactured by shaping a leaf spring that is mounted onto the side of the cover adjacent to the opening (apparent from flexibility of latch shown in Figure 4).

Claim Rejections - 35 USC § 103

22. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

23. **Claim 3 is rejected** under 35 U.S.C. 103(a) as being unpatentable over Hirokazu (JP6029673) in view of Boyce (US-4717184).

24. **In regards to claim 3**, Hirokazu discloses the cover lock mechanism as applied to claim 1 above, but fails to disclose that the latch includes a notch that is formed between the hook and the cover to hold the cover. Boyce teaches a flexible latch 10 having a notch 37 formed between the hook and the cover to hold the cover. Since the

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use of a latch taught by Boyce for holding a cover with respect to the housing would function in the same manner as the latch disclosed by Hirokazu, it would have been obvious to one of ordinary skill in the art at time the invention was made to form the latch disclosed by Hirokazu with a notch to enhance the security of the latch and to ensure that the cover is held with respect to the housing.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alyson M. Merlino whose telephone number is (571) 272-2219. The examiner can normally be reached on Monday through Friday, 7:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jennifer Gay can be reached on (571) 272-7029. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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AM *AM*
August 16, 2007

JHG
JENNIFER H. GAY
SUPERVISORY PATENT EXAMINER